Saskatchewan
Ministry of
Justice and
Attorney General

# Review of the Circumstances Surrounding the Improper Release of a Prisoner From the Saskatoon Provincial Court, October 20th, 2008

Government of Saskatchewan

# Memorandum

From Deputy Minister of Justice
And Deputy Attorney General

Date November 20, 2008

Phone 787-5351

To Honourable Don Morgan, Q.C.
Minister of Justice and Attorney General

Your File

Our File

Re **Improper Release from Provincial Court**

On October 25, 2008, you asked me to conduct an investigation of the improper release from custody of a person who was convicted of an offence at Saskatoon Provincial Court on October 20, 2008 and sentenced to serve time in the Saskatoon Correctional Centre (the convicted offender). The Terms of Reference for this investigation are set out below:

"I request that you conduct a review of the above referenced incident and provide a report to me thereon. In conducting your review, I would ask that you pay specific attention to the following:

1. the circumstances surrounding the improper release of [the convicted offender], and the actions taken by officials in the Ministry thereafter, including:
   a. what are the factual circumstances which led to his release?
   b. how was the error discovered?
   c. once it was determined that his release was improper, what actions were taken by Ministry officials in response and when were those actions taken?
2. what is the frequency of this type of incident having occurred in the past and what have been past practices in response?
3. what were the applicable practices, policies and procedures in place at the time of the improper release governing the actions to be taken by officials in response to these types of incidents and were those practices, policies and procedures followed?
4. as a result of your findings, should changes to existing Ministry practices, policies and procedures be considered to ensure that inappropriate release incidents are minimized, that officials respond appropriately to them and that timely public notification is provided?

Please report to me on your findings as well as any recommendations that you may have to prevent similar incidents in the future and ensure proper public notification. You are free to conduct your review in any manner you consider appropriate and to make comments and recommendations on these matters and any other matters which you consider relevant to achieving the purposes of this review."

I have the privilege of submitting my investigation report pursuant to your request.

Doug Moen, Q.C.
Deputy Minister of Justice
and Deputy Attorney General

Acid-free Paper

**INVESTIGATION REPORT**

**IMPROPER RELEASE**
**OF A CONVICTED OFFENDER**
**Saskatoon Provincial Court**
**October 20, 2008**

## Background

Before outlining the facts of this matter, perhaps it would be helpful to first explain some of the specific duties and functions undertaken by the officials referenced in this report within the court system.

Judicial Officers have a number of duties in the system. Their main function when court is in session is to assist the court in processing appearances and recording the details of the court's disposition of all of the proceedings. The Judicial Officer records the proceedings in two methods – the first is through making a court audio recording of the court session. The second is through the Judicial Officer creating summary, handwritten recordings of each court disposition directly on "the docket" which is the document that identifies all the court proceedings going on in that session.

Criminal charges are created on documents which are called "Informations". The original of each Information is in the possession of the Judicial Officer. When a matter comes up on the list, the Judicial Officer records the disposition on the docket and, if time permits, endorses that disposition on the Information document in the courtroom. These are called "Endorsements". When there are a number of charges which are being dealt with for an accused, there is usually not enough time to record the Endorsements in court. In those cases Judicial Officers record the disposition in short form on the docket and on Post-It notes, and use the docket and notes to create the Endorsements later.

Once court is complete, the Endorsements are then used to create the follow up court documents to process the accused in accordance with the court's disposition. Depending upon the disposition, once the court documents are done, Judicial Officers often meet with the accused to explain the disposition and orders, so that the accused understands his/her obligations. When an accused has received a sentence of imprisonment, "Warrants of Committal" are prepared and it is these warrants that authorize taking the convicted person to a correctional center.

Provincial court sessions in Saskatoon are very fast paced with a number of accused going through the system in any given court session. Often, accused have a number of charges or outstanding warrants being dealt with in any one appearance and the dispositions for each matter must be recorded. To assist in timely court processing and accurate recording, two Judicial Officers are normally present for each docket court session.

Aside from Judicial Officers, Deputy Sheriffs (or court detention staff) are also present in the courtroom. There are usually two such deputies present for each docket court session in Saskatoon. The main role for these officials is to maintain court security, however they also perform a secondary role of recording the court dispositions on their own copy of the docket. Because these deputies are also watching the courtroom for security issues, they may not always be able to record the disposition in any given case. However, those that are recorded are then transferred to a Main Board in the accused detention area after the court session ends. The Main Board is used by court detention staff to help ensure that they have the correct documentation necessary to process the accused in accordance with the court's disposition. Because the Main Board also records the same court disposition as the Judicial Officers, it becomes another check in the system to ensure that the court's disposition has been accurately recorded.

**Facts**

On Monday, October 20th, 2008, the convicted offender appeared in Courtroom Number 1 (the docket court) in the Saskatoon Provincial Court. He was charged with numerous offences including Assault Sec. 266 CCC and Assault Peace Officer Sec. 270 CCC. Working in the courtroom that day were two Judicial Officers (JO 1 and JO 2) both of whom were long serving and experienced in the role of Judicial Officer. Also in the court that day were two Deputy Sheriffs.

The initial question at issue was the disposition given to the convicted offender. He was sentenced at approximately 12:45 p.m. that day and received a sentence of eight months incarceration on some of his charges, six months concurrent incarceration on other charges to be followed by a period of probation upon release. However, JO 1 incorrectly recorded the disposition as eight months time already served with a period of probation. This disposition would have the effect of leading to the convicted offender's release later that day. Both Deputy Sheriffs and JO 2 correctly recorded the sentence in their docket. Upon the close of court, the Deputy Sheriff's docket notes were transferred to the Main Board indicating that the convicted offender had been sentenced to eight months incarceration

JO 1 prepared the Endorsements based upon the court's disposition as she had recorded it. The Endorsements resulted in the creation of court disposition documents to that effect. Around 4 p.m., a different Judicial Officer requested that the convicted offender be brought to the interview room to have him sign his probation order.

Shortly thereafter, court detention staff brought to the attention of the Supervisor of the Deputy Sheriffs (Sheriff Supervisor), that the court detention staff had not received the Warrants of Committal necessary to convey the convicted offender to the Saskatoon Correctional Centre to serve his eight month sentence as noted on their Main Board. The Sheriff Supervisor went to the Court Clerk's office and spoke to JO 1 and JO 2, seeking the Warrants of Committal. JO 1 reviewed her endorsement documents and stated the convicted offender had been sentenced to eight months time already served. JO 2

confirmed it was time served, but was relying on JO 1's accuracy and recalling a different accused's disposition that day. JO 2 did not review her docket record.

The Sheriff Supervisor returned to the detention area and, after talking to one of his staff, came back again to JO 1 to ask if the disposition was correct. He was again assured it was. Both Judicial Officers and court detention staff say that in situations of discrepancy the practice is to defer to the Judicial Officer's record as it is the official record. The Judicial Officers have a very high record of accuracy, and that is not as much the case with court detention staff who have multiple tasks in the courtroom and can be distracted from their recording tasks. At approximately 4:15 p.m. the convicted offender was released from custody.

The next day, a Deputy Sheriff approached the Sheriff Supervisor at about 9:15 a.m. with a concern that the convicted offender had been mistakenly released from custody. The Sheriff Supervisor immediately spoke with JO 1 who reviewed the court audio recording and found that the convicted offender was indeed sentenced to eight months incarceration. The Supervisor of JO 1 (JO Supervisor) became involved at that point and advised the Sheriff Supervisor that she would discuss the situation with the Police Liaison Officer posted within the Building.

The JO Supervisor took a number of steps at that point. She contacted Probation Services to see whether the convicted offender had reported and to request that if he reported, he be told that he should surrender himself to the court detention staff at the Provincial Court. The convicted offender had three days to report. She also proceeded to have Warrants of Committal and an amended probation order prepared. The JO Supervisor then met with her supervisor, the Court Supervisor, shortly after to advise of the incident.

There is some disagreement between the JO Supervisor and the Court Supervisor as to the content of that meeting and who was to take action to deal with the issue. The JO Supervisor believes that she was given no specific direction and that no further action to deal with the matter was required on her part. The Court Supervisor believes she did provide direction to the JO Supervisor to try to get the convicted offender back into custody. She states she directed the JO Supervisor to follow up with the convicted offender's counsel, contact probation services to advise of the error and to talk to the Police Liaison Officer to try to find a solution to have the convicted offender arrested. They do agree that the Court Supervisor undertook to contact the Director of Court Services (Northern Saskatchewan). However, the Court Supervisor admits that she forgot to do so.

Before noon that same day the JO Supervisor approached the Police Liaison Officer to ask if Warrants of Committal could be issued to arrest the convicted offender, but the Police Liaison Officer did not believe this was available in this instance. There was no resolution as to a process to follow to return the convicted offender into custody. There was discussion about contacting a particular Prosecutor for further advice, but he was away ill.

Over the next two days (October 22nd and 23rd) there was no communication between the Court Supervisor and the JO Supervisor on the matter. The JO Supervisor did not feel this was her responsibility. The Court Supervisor did not ever have possession of the file, and therefore assumed it was being handled. If there was a problem, the Court Supervisor believed it would be raised with her. The communication breakdown meant no action was being taken to return the convicted offender to custody.

On October 24th, the JO Supervisor discussed the matter with an officer from Probation Services to see if the convicted offender had come into the office in accordance with the probation order. He had not. The officer questioned the validity of the order and advised her to speak to a Prosecutor. The JO Supervisor then discussed it with a Prosecutor who advised her to report the matter to a Staff Sergeant at the Saskatoon Police Service. That report was made at approximately 9 a.m. and shortly thereafter a police officer attended at the court house to pick up of Warrants of Committal for the convicted offender.

On the evening of October 24th, the Minister of Justice and Attorney General, Don Morgan, attended a Crime Stoppers banquet in Saskatoon, and was advised of this situation by a Saskatoon police officer attending the event. The Minister contacted me, and that is the first time that a senior Ministry official was aware of the situation

On Saturday, October 25th, at approximately 9 p.m., the convicted offender was taken into custody in Prince Albert by the Prince Albert Police Service at the request of the Saskatoon Police Service.

**Analysis**

Some context is required in understanding this situation. The Saskatoon Provincial Court is the busiest court house in Saskatchewan. The workload for staff, in terms of the number of appearances, the number of prisoners and the number of hearings of various kinds is significant. Courtroom Number 1 deals with docket matters on a full day, five days per week basis. In 2007, the Saskatoon Provincial Court had a total of 169,421 criminal court appearances. Of these, Courtroom Number 1 had a total of 73,037 appearances, representing 43.1 percent of the total criminal appearances in the Saskatoon Provincial Court. These statistics have increased substantially from what they were a number of years ago. Accordingly, staff need to work quickly and with great accuracy in order for the system to function

The Deputy Sheriff staff attempt to maintain their own record of proceedings in the courtroom. It is not uncommon for their record to vary from that of the Judicial Officers. This is understandable as the Judicial Officers are focusing on the proceedings while the Deputy Sheriffs are primarily focused on security. Most discrepancies involve appearance dates or places to where an accused is to report or to be taken. Discrepancies are inquired about, and I was advised that in the vast majority of cases, the record of the Judicial Officer is correct.

I am advised that an incident of the kind which I am reviewing is rare. Previous incidents will be discussed in a later section of this report. But from the observations of long serving staff in the court office, they have no recollection of an improper release caused by a mistake of a Judicial Officer in recording a sentence.

A number of comments can be made about this particular event. It is clear JO 1 incorrectly recorded the sentence given to the convicted offender. Further, when the sentence was questioned, JO 2 confirmed the sentence of "time served" without referring to her own docket which had the correct sentence recorded of eight months custody. This is a case of human error and some degree of carelessness. If JO 2 had referred to her docket, the error would have been caught. If JO 1 had checked the court audio recording that afternoon, the error would have been caught. But this is a quick paced environment where the judicial officers are, and are known to be, almost invariably right because of their normal accuracy. To check the docket should be the norm. To check the court audio recording in every case of a debate with the court detention staff would be burdensome because of time considerations. In the final analysis, the issue on October 20th is one of human error and, while regrettable, it is understandable how it could occur.

Things get more complicated on the morning of Tuesday, October 21st. Uncovering the error should have set the wheels in motion to have the convicted offender taken into custody. There were initial steps taken to do so in a timely fashion. Supervisors and managers were contacted. Probation Services was contacted to see whether the convicted offender had reported and to request that if he reported, he be told to surrender himself. Warrants of Committal were prepared. Discussions were undertaken with the Police Liaison Officer to try to determine how to arrest the convicted offender. All this was completed by noon that same day.

However, the matter was made more difficult because the situation was unique - no one could recall a similar situation. Accordingly, when none of the above steps resulted in a clear process to return the convicted offender to custody, things break down. The failure of the Court Supervisor to notify her superiors leaves the issue to be dealt with solely by the Court Supervisor and the JO Supervisor. However, there is no communication on the situation between the Court Supervisor and the JO Supervisor for the next two days. Both believe the other is dealing with it. The file sits until Friday, when a Prosecutor and senior police officer are contacted and only then are the wheels put in motion with the police to have the convicted offender arrested. I find that the way the matter was handled by the JO Supervisor and the Court Supervisor to be disappointing.

Any comments I make here must be tempered by the realization that a single, high profile mistake by an employee needs to be understood in the context that the employees who made mistakes or errors in judgment have many years of service with excellent records of accuracy and the application of sound judgment. We cannot have staff living in fear that one mistake will jeopardize all their good efforts. Nevertheless, the incident is serious. Accordingly, disciplinary action has been taken as a result of this matter.

The Deputy Sheriffs played a key role in identifying the problem and persistently brought it to the attention of Judicial Officers. My only issue concerning the Deputy Sheriffs is that there should be a policy that they also report an improper release to Head Office. It would be another way to have a check in the system to ensure such matters are addressed in a timely fashion.

I am also concerned that the Police Liaison Officer was not as familiar with the appropriate procedures as the Officer might have been in terms of the mechanisms for the arrest of the convicted offender. I will follow up on this with the Saskatoon Police Service.

**Frequency of this Type of Incident in the Court System**

Since January 1, 2006, there have been eight other incidents reported where prisoners have been improperly released by Provincial Court staff in Saskatchewan. While this number may sound concerning, it does need to be placed into context. Approximately 25,000 prisoners go through the Provincial Court Buildings in Saskatoon, Prince Albert and Regina each year. Accordingly, for the same time period stated above, close to 75,000 prisoners would have passed through these court houses. To have nine cases (including this case) of improper release in 75,000 prisoner interactions constitutes an accuracy rate of over 99.9 percent of staff correctly following the court disposition.

A further analysis indicates that five of these nine cases involve prisoners who have been released because they have switched their identity. Essentially this involves one prisoner (prisoner 1) claiming to be a different prisoner (prisoner 2) who was sentenced to a probation type of order permitting release. When prisoner 2 is called, he/she remains silent while prisoner 1 comes forward, identifies him/herself as prisoner 2, listens to the order, signs as being prisoner 2 and is then released. When the order for prisoner 1 is ready, he/she is no longer there. Prisoner 2 will claim to have been sleeping, or in the bathroom at the time his/her name was called.

This situation is a concern and steps have been taken to address the issue. Increased vigilance is now taken to attempt to ensure the prisoner is who he/she claims to be. Court detention staff receive photographs and identifying information such as markings and tattoos of accused previously involved in the system. For those with no prior involvement, digital photographs are taken when he/she enters the detention area of these provincial court buildings. This information is checked when a prisoner later identifies him/herself when the disposition documents are ready.

The three other incidents each involved errors which occurred in the detention area of the court. One occurred during the time when corrections workers were on strike and involved a communication error from replacement personnel. The other two involved communication errors between staff in the detention area.

While ideally there would be no improper release situations, I am satisfied that these statistics demonstrate that there is no systemic problem that needs to be addressed. In fact they demonstrate the opposite - the system and the staff within it are very accurate and attentive to their duties.

Finally, these statistics help to confirm the evidence provided by the Saskatoon Provincial Court officials. None of the previous cases involved an incorrect recording of the disposition by a Judicial Officer. This was a unique situation – one which has not been reported on before. This helps to explain the confusion of the staff in not knowing how the matter should be addressed.

**What were the applicable practices, policies and procedures in place at the time of the improper release governing the actions to be taken by official in response to these types of incidents and were those practices, policies and procedures followed?**

There were no written policies or procedures in place that deal with the initial identification of the mistake, the follow up procedures of notification of supervisors, the police, or public notification. But there certainly are existing practices that apply to the situation.

First of all, there is a practice that if the court detention staff identify a problem they raise it with the Judicial Officer involved. This usually results in the Judicial Officer going to her/his docket and confirming that the information in the court documents is the same as the information recorded on the docket. For confirmation in docket situations, the second Judicial Officer's docket can be reviewed to ensure the content of the endorsement is correct. The final step would to be to go to the court audio recording and listen to the actual sentencing.

In the vast majority of cases the comparison of the two Judicial Officers' dockets creates a definitive answer. It would be quite unusual for two people to make the same error. Accordingly, Judicial Officers do not always go back to the court audio recording. However, the court process can get confusing in the course of sentencing. The judiciary and lawyers move back and forth between numerous charges, looking to process matters efficiently. Judicial Officers are expected to exercise some judgment about whether a particular proceeding was confusing and requires another listen. In those instances the practice is that Judicial Officers are expected to exercise judgment as to whether to listen to the court audio recording prior to "sending out" their Endorsement for paperwork to be completed.

With respect to the reporting of an improper release to a Supervisor, it is very clear that all employees understand that such an incident does need to be reported up the chain of command to Head Office. They were aware of the enhanced concern given the August, 2008 correctional center escape. This practice of reporting was reinforced by the interim protocol issued by the Executive Director of Court Services, on October 27, 2008 which is attached as Appendix 1.

With respect to the reporting of an improper release to the police, it is also clear that all employees understand that the practice is to alert the police and arrange for an arrest.

With respect to public notification, this has not been the previous practice. The practice in the past would be to advise the police and the local police would put out a public notification where it was necessary to protect public safety or to assist in apprehending the person improperly released. There has certainly been no practice in the past of, in every case, notifying the Deputy Minister or the Minister of an improper release. There is also no past practice of having the Deputy Minister or Minister make the determination that public notification is the appropriate course of action.

**Should changes to existing Ministry practices, policies and procedures be considered to ensure that inappropriate release incidents are minimized, that officials respond appropriately to them and that timely public notification is provided?**

I would make the following recommendations for changes in procedure:

1. That a protocol be put in place stipulating that where the Judicial Officer is unsure of the disposition in court, it is the responsibility of the Judicial Officer to seek clarification, either in court by reviewing the docket of any other Judicial Officer which may be present, or by reviewing the court audio recording. If it is still unclear, the Judicial Officer is to contact the presiding Judge for clarification. The prisoner will be detained until confirmation is received, however priority must be given to obtaining confirmation as quickly as possible.

2. When an improper release occurs due to an error of a Judicial Officer, Deputy Sheriff or Provost officer, action should be taken as quickly as possible to determine the status and location of the released individual and the Supervisor should be notified immediately. The Supervisor should immediately contact local police by phone and confirm action to be taken by them. The Supervisor should also immediately contact Head Office (the Director) by phone. A written incident report should be prepared quickly and forwarded to Head Office.

3. The Director shall immediately advise the Executive Director and the Assistant Deputy Minister (the ADM). They shall advise the Deputy Minister of Justice and Deputy Attorney General. The Executive Director and the ADM will also assess the level of threat to the public in consultation with the police. Attached as Appendix 2 is a protocol which the Ministry will immediately implement, setting out the procedures itemized in paragraphs 1, 2 and 3 in more detail.

4. With respect to public notification of improper releases and escapes, media releases should occur as specified in the protocol (Appendix 2).

5. With respect to Deputy Sheriffs, a policy is in place which deals with reporting to Head Office situations of improper release or escape from custody resulting from their actions. I recommend that this policy be augmented to require a report to be made when they become aware that an improper release has occurred for any reason involving court services.

**Conclusion**

In conclusion, this case is marked by human error in recording and implementing a court decision, as well as poor judgment in ensuring that the improper release of an inmate was quickly reported to superiors and to the police. Fortunately, this is a rare event. Unfortunately, it was relatively serious. Protocols should be established and employees be made aware of their responsibilities under those protocols to prevent this type of incident from arising. On balance, these are well-intentioned, hardworking employees who have worked for years providing good service to the people of this province.

## Appendix 1

Government of Saskatchewan

**Memorandum**

From Linda Bogard
Executive Director
Court Services

Date October 27, 2008

Phone (306)787-5680

To All Court Offices

Your File

Our File

Re **Protocol – Improper Release of Prisoners**

During the past week, there have been two incidents where prisoners have been improperly released from custody. Doug Moen, Deputy Minister of Justice and Attorney General, will be conducting a formal review into these incidents. The review will cover the reasons for the improper release, the reasons why it was not reported to superiors in a timely manner, the length of time it took to turn the matter over to the police and what improvements can be made to prevent similar occurrences in the future.

Effective immediately, the following protocol must be followed if a prisoner is mistakenly released or escapes from custody:

1) Advise your supervisor of the incident immediately.

2) The Supervisor shall immediately contact the local police and Court Services Head Office (by telephone).

3) The phone call shall be followed up by a report that includes the circumstances of the release as well as information with respect to the accused and his/her charges. If the information pertains to a young offender, please refer to the individual utilizing his/her initials only. This information will be used by senior management in the Ministry to determine next steps.

In addition, staff shall review the information available from JAIN prior to releasing anyone from custody.

Once the Deputy Minister has completed his formal review, it is expected that a revised protocol will be provided to you.

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Please ensure your staff are aware of the interim protocol.

If you require additional information or clarification, please do not hesitate to contact me. Thank you.

Linda Bogard

Linda Bogard

cc: Ken Acton, A/Assistant Deputy Minister, Courts & Civil Justice
Ken Sabo, Director, Court Security
Shelley Augustin, Director, Court Operations (North)
Donna Mitchell, Director, Court Operations (South)

## Appendix 2
## IMPROPER RELEASE OF PRISONERS FROM COURT (INCLUDING ESCAPE)
### Reporting and Notification Policy

**PURPOSE**:

***The intent of this policy is to ensure that Ministry officials, including the Minister, the Deputy Minister, and the public through the media, are advised in a time sensitive manner of threats to public safety. The policy should be applied recognizing that situations may arise where it may not be in the interest of public safety for the Ministry to advise the public. Determination of whether or not such a situation has arisen and whether or not an exception will be made is at the discretion of the Deputy Minister. The Deputy Minister's decision will be informed by advice from police and senior Court Services officials.***

The following:

- outlines the procedures to be followed for reporting escapes or improper releases of prisoners from court to the Minister and Deputy Minister, and
- identifies instances where media advisories would be issued.

**DEFINITIONS**:

Court: Any site where Court is held or any activity that involves a Court Services employee.

Improper Release: Any occurrence where there is a pre-existing order for custody or there is a new order for custody delivered by the Court, and the named person is released contrary to that order.

Some examples of how an improper release may be caused.

- Procedural error
  - Failure to properly identify a prisoner prior to release, i.e. switched identification.
  - Failure to identify a remanded or serving prisoner who is ineligible for release.
  - Failure to communicate or obtain information regarding the custody of a prisoner, according to the role of the individual within Court Services, to ensure compliance with custody orders, i.e. Judicial Officers communicating with the Deputy Sheriff, Deputy Sheriff communicating with the police, etc.

- Clerical error
  - Mistakes that create incorrect or missing instructions on disposition documents.
  - Use of dated or inaccurate records to establish eligibility for release.

***Note:*** In circumstances where the Judicial Officer/Deputy Sheriff is unsure of the disposition in court, it is the responsibility of the Judicial Officer to seek clarification, either in court or by reviewing the court audio recording. If it is still unclear, the Judicial Officer is to contact the presiding Judge for clarification. Should a question arise as to the accuracy of the produced documentation, it is the responsibility of the Judicial Officer to ensure the documentation is in accordance with the Judge's ruling. The prisoner will be detained until confirmation is received, however, priority must be given to obtaining confirmation as quickly as possible.

**REPORTING AND NOTIFICATION:**

**Level 1 – Threats to Public Safety**

- **Require immediate notification**
- **Issuance of a media advisory**

**Incident:**

- **Escape of an adult prisoner**
- **An adult prisoner is improperly released and that person poses a threat to public safety.**

**Process:**

Step 1 The employee shall immediately advise the supervisor/manager of the incident providing as much information as possible.

Step 2 The supervisor/manager immediately contacts the local police service and confirms that action will be taken by them. The supervisor/manager will ensure that a Director is informed by telephone.

Step 3 The Director immediately contacts the Executive Director, Court Services and Assistant Deputy Minister, Courts and Civil Justice Division.

Step 4 The Executive Director, Court Services or the Assistant Deputy Minister, Courts and Civil Justice Division, immediately contacts the Deputy Minister of Justice and Deputy Attorney General and the Director of Communications.

Step 5 The Deputy Minister of Justice and Deputy Attorney General shall immediately advise the Minister of Justice and Attorney General.

Step 6 As soon as operationally possible an Incident Report which contains all factual personal knowledge of the incident as well as information with respect to the accused and his/her charges will be completed by the Senior Official at the Court Office and forwarded to the Director, Court Services Head Office, or the Executive Director, Court Services.

Step 7 The Executive Director/Assistant Deputy Minister shall contact the Officer-in-Charge of the local police service to advise that a media advisory is being prepared on the incident and provide an opportunity for them to identify any concerns related to the police investigation, apprehension of the offender or safety of a person.

Should issues be identified by the police service, the Executive Director/Assistant Deputy Minister shall advise the Deputy Minister by telephone, who shall make a decision if an exception is to be made.

Should an exception to the issuance of a media advisory be made by the Deputy Minister, the Deputy Minister shall advise the Minister.

The Director of Communications will prepare a Media Advisory based on the contents of the Incident Report as soon as possible and it will be circulated to the Deputy Minister's Office, Minister's Office, and Executive Council.

**Level 2 – Serious Incidents – No Immediate Threat to Public Safety**

- **Require Immediate Notification**
- **Issuance of a media advisory (only if required for public safety or for apprehension of an offender after consultation with the police)**

**Incident:**

- **An adult prisoner is improperly released and that person does not pose a threat to public safety.**
- **Escape or improper release of a young offender.**

**Process:**

Step 1 The employee who first identifies an issue shall immediately advise their supervisor and check on the status of the prisoner with the appropriate policing service (i.e. Provost or City Police), the correctional centre, Deputy Sheriffs, or Judicial Officer as dictated by the particular circumstance.

Step 2 The Supervisor/Manager immediately contacts the local police service and confirms that action will be taken by them. The supervisor/manager shall ensure that a Director is informed by telephone.

Step 3 The Director immediately contacts the Executive Director, Court Services and Assistant Deputy Minister, Courts and Civil Justice Division.

Step 4 The Executive Director, Court Services or the Assistant Deputy Minister, Courts and Civil Justice Division immediately contacts the Deputy Minister of Justice and Deputy Attorney General and the Director of Communications.

Step 5 The Deputy Minister of Justice and Deputy Attorney General shall immediately advise the Minister of Justice and Attorney General.

Step 6 As soon as operationally possible, an Incident Report which contains all factual personal knowledge of the incident as well as information with respect to the accused and his/her charges will be completed by the Senior Official at the Court Office and forwarded to the Director, Court Services Head Office, or the Executive Director, Court Services.

If the information pertains to a young offender, the individual will be identified by using initials only.

Step 7 The Executive Director, Court Services or the Assistant Deputy Minister of Courts and Civil Justice will provide the Deputy Minister and the Director of Communications with copies of the incident report.

- A Media Advisory may be issued, if circumstances warrant. In the case of young offenders, identification of a young offender is prohibited under the *Youth Criminal Justice Act* except where authorized by a Youth Court Judge.

**MEDIA INQUIRIES**:

- In all cases, media inquiries are to be forwarded to the Ministry's Director of Communications.

- The Director of Communications, in consultation with the Executive Director, Court Services, and the Deputy Minister will determine if a response is necessary and who the most appropriate spokesperson will be.

- The Minister's Office will be advised of all media inquiries by the Director of Communications, and will be consulted with regarding the most appropriate spokesperson and messaging for a response.